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Patent
Attorney Docket No. 1027651-000515

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
)	
Anders Delen et al.)	Group Art Unit: 3721
)	
Application No.: 10/577,039)	Examiner: STEPHEN FRANCIS
)	GERRITY
)	
Filing Date: April 24, 2006)	Confirmation No.: 2309
)	
Title: AN APPARATUS AND A METHOD)	
FOR SEALING PACKAGE)	
)	
)	
)	

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is enclosed.
- ☐ _____ Terminal Disclaimer(s) and the ☐ \$ 65 ☐ \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- ☐ Also enclosed is/are: _____
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$ 405 ☐ \$ 810 fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted _____ on _____ for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	17	20	0	x \$ 50 (1202)	\$ 0
Independent Claims	4	4	0	x \$ 210 (1201)	0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 370 (1203)					\$ 0
Total Claim Amendment Fee					\$ 0
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0

- ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to credit card for the fee due. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date May 2, 2008

By: Matthew L. Schneider
Matthew L. Schneider
Registration No. 32814

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620



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Application No.: 10/577,039)	Group Art Unit: 3721
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RESPONSE TO HOLDING OF LACK OF UNITY OF INVENTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated April 2, 2008, the following remarks are submitted.

The aforementioned Official Action indicates that the claims in this application are directed to three different inventions that lack unity of invention. As identified in the Official Action, the three claim groupings are as follows.

Group I invention defined in Claims 1-6, 9-11 and 13-17 drawn to an apparatus for sealing a packaging including a force-restricting coupling member.

Group II invention depicted in Claims 7 and 8 drawn to an apparatus for sealing a package, including higher and lower speeds of movement.

Group III invention illustrated in Claim 12 drawn to a method of sealing a package including an ultrasound sealing until.

Based on the observation that the three inventions lack unity of invention, a requirement has been imposed to elect one of the three groups of claims.

Applicants hereby elect, with traverse, the Group I set of claims, Claims 1-6, 9-11 and 13-17.

The election of the Group I claims is made with traverse because it is believed that the claims of this application do comply with the unity of invention requirement, as evidenced at least in part by the observation that concern about unity of invention does not appear to have been raised in the corresponding international application where claims similar to some of those at issue here were considered. Additionally, it is believed that the search required for elected Claims 1-6, 9-11 and 13-17 would likely extend into those areas where the other claims would be searched, and examining all of the claims in this application would likely not be seriously burdensome as it would involve consideration of only a few additional claims.

In light of the foregoing, withdrawal of the holding of lack of unity of invention, and examination of all of the claims of this application, including elected Claims 1-6, 9-11 and 13-17, are respectfully requested.

Should any questions arise concerning this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: May 2, 2008

By:



Matthew L. Schneider
Registration No. 32814

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